

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 749 - HB 693

March 11, 2013

SUMMARY OF BILL: Requires that a party asserting or claiming that a parent's disability renders the parent unfit or otherwise incapable of satisfying the physical, emotional, educational, or psychological needs of the minor child in a child custody proceeding or a proceeding to modify a prior custody decree or permanent parenting plan must establish by clear and convincing evidence that the disability of that parent poses a substantial risk of harm to the health or safety of the minor child. If the court finds that the parent does pose a risk of harm to the minor child, the court must make specific findings of fact and conclusions of law regarding the court's decision. Requires that all child protective service investigators, family service workers and case managers employed with the Department of Children's Services (DCS); all judges and referees, whether part-time or full-time, with family law, domestic or juvenile jurisdiction; and all Rule 31 Listed Family Mediators are required receive annual training which addresses the issues and concerns of disabled parents. Requires at least half of this annual training to be conducted by disabled parents.

ESTIMATED FISCAL IMPACT:

Increased State Expenditures - \$36,000

Increased Federal Expenditures - \$44,500

Assumptions:

- Under current law, in a suit for annulment, divorce, separate maintenance, or in any other proceeding requiring the court to make a custody determination regarding a minor child, the court must make its decision based on the best interests of the child. The court is required to consider specified factors including the mental and physical health of the parents or caregivers.
- According to DCS, 2,664 employees will be required to take the training. Classes will consist of 30 people each. There will be 89 classes (2,664 employees / 30 people) and 24 make-up classes (2 make-up classes x 12 regions) offered annually statewide resulting in 113 total classes offered (89 classes + 24 make-up classes).
- According to DCS, the development time for one hour of training is 40 hours resulting in 80 hours development time (2 hours x 40 hours).
- It is estimated that DCS will need one business day, or 7.5 hours, per class for preparation and travel resulting in 848 hours (113 classes x 7.5 hours).

SB 749 - HB 693

- Each class will be two hours in duration resulting in 226 hours of class time (113 classes x 2 hours).
- It is estimated that the total increased staff time required for DCS training will be 1,154 hours (80 hours + 848 hours + 226 hours).
- It is estimated that the additional hours each year will result in one training staff position with recurring increased expenditures of \$60,570 (\$34,400 salary + \$11,170 benefits and insurance + \$15,000 supplies, office lease, and networking costs).
- DCS will incur \$10,000 annually in printing costs to print materials for each class.
- Of the \$70,570 (\$60,570 position + \$10,000 printing), 50 percent (\$35,285) will be Title IV-E funds; 20 percent (\$14,114) will be funded through TennCare; and 30 percent (\$21,171) will be state funds.
- Of the \$14,114 in TennCare funding, \$4,869 are state funds at a 34.5 percent rate and \$9,245 are federal funds at a 65.5 percent matching rate.
- According to the Administrative Office of the Courts (AOC), providing training to appellate judges, circuit judges, chancery court chancellors, general sessions judges with concurrent domestic relations jurisdiction and juvenile judges on an annual basis will result in recurring increased state expenditures of \$7,500 (3 conferences x \$2,500 speaker fees and mileage expense reimbursements).
- According to the AOC, providing annual training to mediators would be most efficient online because mediator training is currently required every two years. Providing annual online training to mediators would result in recurring state expenditures of \$2,500.
- According to the AOC, the fiscal impact on judicial resources related to caseloads and proceedings will be not significant because courts currently consider the physical and mental health of the parent or caregiver.
- Total recurring increase in state expenditures is estimated to be \$36,040 (\$21,171 + \$4,869 + \$7,500 + \$2,500).
- Total recurring increase in federal expenditures is estimated to be \$44,530 (\$35,285 + \$9,245).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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